

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY that the foregoing being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to Box TTAB-FEE, 2900 Crystal Drive, Arlington, VA 22202-3513, on this 17 day of March, 2004.


Tracy Soinger

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In the Matter of:

Application Serial No.: 78/170563
Filed: October 3, 2002
Trademark: PREMIUM PRESTIGE
Applicant: BSH Home Appliances Corporation
Published in the
Official Gazette on: November 11, 2003



03-18-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #78

PRECISION TRADING CORP.,

Opposer

Opposition No.: 91158951

v.

BSH HOME APPLIANCES CORPORATION

Applicant.

RESPONSE TO COUNTERCLAIM

Opposer, Precision Trading Corp., a Florida corporation, hereby responds to the Counterclaim of Applicant, BSH Home Appliances Corporation, as follows:

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1. As to the allegations set forth in paragraph 6¹ of Applicant's Counterclaim, Opposer denies that the term "premium" is a common, laudatory term that is not subject to Opposer's exclusive use with respect to the identified goods.

2. Opposer denies the allegations set forth in paragraph 7.

3. Opposer admits the allegations set forth in paragraph 8.

4. Opposer denies the allegations set forth in paragraph 9.

5. Opposer denies the allegations set forth in paragraph 10.

6. As to the allegations set forth in paragraph 11, Opposer admits that it is claiming exclusive rights to the word "premium" in the context of the present opposition, and that Applicant's use and registration therefor is damaging to Opposer.

WHEREFORE, Opposer, Precision Trading Corp., respectfully requests that Applicant, BSH Home Appliances Corporation's Counterclaim for Cancellation of Reg. No. 2,608,941 be dismissed with prejudice.

Date: March 17th, 2004

Respectfully submitted,

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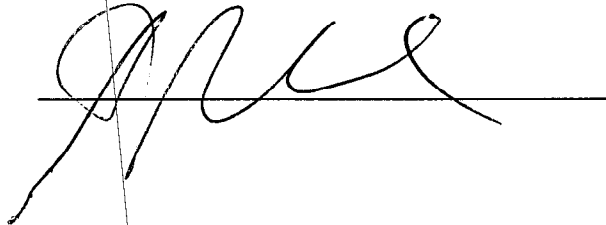
By: 

Michael B. Chesal

¹Opposer notes that Applicant's Counterclaim begins with paragraph 6. Accordingly, Opposer is not responding to paragraphs 1 through 5 of the Answer and Counterclaim.

CERTIFICATE OF SERVICE

I hereby certify that a copy of Opposer's Response to Counterclaim was served by regular U.S. Mail upon Raymond I. Geraldson, Jr., Bradley L. Cohn, and Manuel Herrera, at Pattishall, McAuliffe, Newbury, Hilliard & Geraldson, 311 S. Wacker Drive, Suite 5000, Chicago, Illinois 60606.

A handwritten signature in black ink, appearing to be "M. Cohn", is written over a horizontal line.